

CLYDESDALE ACTION ON ASBESTOS

ASBESTOS SUFFERERS AND THE LAW

In 1982 there were 632 deaths recorded from Asbestosis and Mesothelioma. By 1991 there were 8,958 deaths an increase of 1417%. Clydeside Action on Asbestos is a campaigning group based in rundown offices in the centre of Glasgow. It survives on some Local Authority funding, donations from Trade Unions and the goodwill of the members and their families. The group is involved in an endless round of battles in pursuit of justice on behalf of asbestos sufferers and their families in the West of Scotland and beyond.

The burden of proof is always on the asbestos victim. They must prove where they worked, who they worked with and when they worked there. In reality this can mean giving a detailed work record and finding witnesses going back 30 or even 40 years. This in turn lengthens the period of litigation and increases the amount of money claimed back from workers who succeed in pursuing a former employer through the courts by the Compensation Recovery Unit. This is a branch of the Department of Social Security initiated to recoup benefits from claimants who have been successful in winning damages in the courts. The Social Security Act section 22 together with schedule 4 of the same act (now consolidated in part IV of the Social Security Administration Act 1992) introduced a new scheme for taking into account the benefits in a claim for damages arising out of an accident or disease. Asbestos sufferers have been disadvantaged more than any other group in society by this heartless, treasury-driven legislation since it was introduced on 1st January 1989.

RECOVERY OR ROBBERY ?

Recent cases have seen massive amounts of money deducted from seriously ill people who have been successful in civil litigation against former employers. Recently, a Glasgow man who was awarded £30,000 was penalised to the tune of £28,000 by the CRU. Asbestos victims all over Britain are being treated in a similar fashion. In Liverpool a grandfather who is not fit enough to lift his grandchildren had £42,000 claimed back by this department. He was left with £28,000 out of a £70,000 settlement after being diagnosed as having lung cancer caused by exposure to asbestos at work. At present two members of our group have demands from the CRU for £40,829 and £50,000 respectively. These are only a fraction of those who have been brutally treated by the workings of the CRU. Since the Government introduced this legislation the amounts deducted by this department has increased dramatically, according to figures released by the Chief Executive of the Benefits agency. In 1990/91 the amount recovered from the sick and infirm was £3.7million, in 1991/92 it increased to £25.3million, in 1992/93 it was £51.3million and by 1993/94 the figure had reached £81.9million. Also according to the same official source in the period from 1/4/93 until 31/3/94 there were 170 recoveries made in cases involving deceased claimants. They even pursue the dead!

CONTRIBUTIONS IGNORED

Asbestos sufferers are in the main the victims of an industrially induced disease contracted during their working lives. While these men and women were in work they made consistent National Insurance contributions. This was to ensure the provision of welfare benefits in later life or when required during illness. What is reclaimed by the Compensation Recovery Unit is money which has already been paid to the state by asbestos victims. The question must be asked, If the Department of Social Security reclaim benefits paid during the period of litigation what has happened to the contributions made by asbestos victims while in employment? The outcome of this procedure is that asbestos sufferers and their families are being doubly penalised. Having paid their dues to society and then having this ignored when they are eventually compensated for the pain and suffering of what can be in the experience of many a terminal illness. The mining industry is exempt from CRU deductions. However, illness induced from asbestos is no less painful, stressful or debilitating than one which has its origins in a coalmine. They are both legitimate cases and both should be free from the callous interventions of the CRU.

SUPPORT THE LOBBY TO CHANGE THE LAW

A lobby of Parliament to argue for the scrapping of the CRU legislation is planned for the 22nd of November. Already it has the support of all political parties on Glasgow District Council, the STUC, The Law Society of Scotland, Faculty of Advocates and the Scottish Standing Conference on Justice. All of these organisations will be represented at the lobby on the 22nd. Clydeside Action on Asbestos would like to see all organisations who oppose the CRU with them on the 22nd in London. Further details on the CRU campaign can be obtained from **Clydeside Action on Asbestos At 15 St. Margaret's Place Glasgow G1 or phone 041 552 8852** All contributions to assist with the organisation of the lobby will be gratefully acknowledged.

JUSTICE DELAYED IS JUSTICE DENIED